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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/505,318	02/16/2000	Darryl Hymel	99EC015/75339	9021

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EXAMINER

VU, THONG H

ART UNIT

PAPER NUMBER

2142

DATE MAILED: 06/05/2003

8

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/505,318

Applicant(s)

HYMEL, DARRYL

Examiner

Thong H Vu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 March 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

1. Claims 1-41 are pending.

***Response to Arguments***

2. Applicant's arguments filed 3/17/03 have been fully considered but they are not persuasive to overcome the prior art.

A. Applicant argues the prior art taught the client machine connected to Ethernet. (local area network) not to Internet.

Examiner notes the prior art taught the client computer connected to Ethernet (local network 220) wherein the LAN 220 connected to WAN [Cave, Internet 120 Fig 2, col 8 lines 47-54].

B. Applicant argues the prior art does not teach method step of (or apparatus for) "requesting an agent assignment for handling the Internet call from the ACD coupled to the PSTN".

Examiner notes the prior art taught method steps of such as ACD algorithm and apparatus as ACD system. [col 5 lines 39-col 6 line 7] coupled to PSTN [PSTN 102, Cave Fig 2]

Thus, the rejection is sustained.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-41 are rejected under 35 U.S.C. § 103 as being obvious over Miloslavsky et al [Miloslavsky 6,021,428] in view of Cave [6,175,562 B1]

4. As per claims 1,14,27,35,41 and 42 Miloslavsky discloses the invention substantially as claimed, including a method of routing multimedia calls within an automatic call distributor system having a automatic call distributor coupled to the public switched telephone network and a host coupled to the Internet which is equivalent to an network including Internet, PSTN, ACD and multimedia data [Fig 1, Fig 5, col 1 lines 15-20, col 2 lines 23-65]

However Miloslavsky does not detail receiving an Internet call from an Internet caller by the host through the Internet; requesting an agent assignment for handling the to Internet call from the automatic call distributor coupled to the public switched telephone network; and transferring the Internet call to a terminal of the agent assigned by the automatic call distributor.

A skilled artisan would have motivation to improve the Miloslavsky's method and looked to the prior art, which leads to the Cave's teaching. Cave taught a switching call processing wherein a the network between a plurality of remote callers connected in part over the Public Switched Telephone Network (PSTN) and the agent computers of selected agents assigned to said callers, said assignment enabled by the SCD according to a predetermined ACD algorithm [Cave col 9 lines 50-57]. It is clearly the calls have been transferred and received Internet call via PSTN and ACD to the assigned agent [Web-enable databse, Cave col 3 line 57-col 4 line 16].

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the technique of assigned agent for handling the Internet call from PSTN to ACD as taught by Cave into Miloslavsky's system in order to utilize the communication of multimedia data via Internet. Doing so would provide a simplified deployment and cost effective process to handle the communication over network.

5. As per claims 2,15,28 Miloslavsky-Cave disclose queuing the request for an agent assignment [Cave col 9 lines 50-57].

6. As per claims 3,16, Miloslavsky-Cave disclose the step of queuing the request for an agent assignment further comprises estimating a time length of the queue [estimated waiting time, Miloslavsky col16 lines 1-8]. Examiner takes an Official Notice that the technique of estimate a time length of the queue is a well-known art [see Dezonno, Nabkel references]

7. As per claims 4,17,38,39 Miloslavsky-Cave disclose the step of estimating a time length of the queue further comprises transferring the estimated time to the Internet caller [Miloslavsky col 16 lines 1-9, col 26 lines 25-40,51-67].

8. As per claims 5,18,29 Miloslavsky-Cave disclose the step of transferring the Internet call to the agent assigned by the automatic call distributor further comprises setting up a real-time Internet conference with the caller [Miloslavsky col 4 lines 4-10, 29-34, col 6 lines 42-52].

9. As per claims 6,19,30 Miloslavsky-Cave disclose the step of setting up the real-time Internet conference with the caller further comprises exchanging audio and text

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between the assigned agent and Internet caller through an interactive window

[Miloslavsky col 4 lines 4-10, 29-34, col 6 lines 42-52].

10. As per claims 7,20,31 Miloslavsky-Cave disclose the step of setting up a real-time conference with the caller further comprises presenting an information screen to the caller about the real-time call [Miloslavsky col 10 lines 32-45]

11. As per claims 8,21,32 Miloslavsky-Cave disclose the step of presenting the information screen to the caller further comprises presenting an estimated time until an assigned agent will be available to participate in the conference [Miloslavsky col 16 lines 1-9, col 26 lines 25-40,51-67].

12. As per claims 9,22, Miloslavsky-Cave disclose the step of presenting the information screen to the caller about the real-time call further comprises presenting an information request screen to the Internet caller [Miloslavsky col 23 lines 36-47].

13. As per claims 10,23,34 Miloslavsky-Cave disclose the step of presenting the information screen to the caller further comprises presenting an animated cartoon figure for entertaining the Internet caller while the caller waits for completion of setup of the real-time conference as inherent feature of screen-saver which was well-known in the art.

14. As per claims 11,24 Miloslavsky-Cave disclose the step of requesting an agent assignment for handling the Internet call from the automatic call distributor further comprises seizing a connection on an incoming trunk to the automatic call distributor and sending simulated call associated information to the automatic call distributor [Miloslavsky col 39 lines 5-22].

15. As per claims 12,25 Miloslavsky-Cave disclose the step of requesting an agent assignment for handling the Internet call from the automatic call distributor further comprises sending the request over a TCP/IP connection to a call application operating within the automatic call distributor as a design choice [see Zenner reference].

16. As per claims 13,26 Miloslavsky-Cave disclose the step of transferring the Internet call to the agent assigned by the automatic call distributor further comprises connecting a telephone of the assigned agent to a dummy load to avoid assigning the assigned agent to another call during the Internet call which is equivalent to a call is put on hold [Miloslavsky col 5 lines 25-40].

17. As per claim 33 Miloslavsky-Cave disclose the information screen further comprises an information entry window adapted to request information from the Internet caller [Miloslavsky col 37 lines 8-67].

18. As per claim 36 Miloslavsky-Cave disclose routing the Internet call to an assigned agent when the queued Internet call reaches a front of the queue as inherent feature of queues and routing [Miloslavsky col 22 lines 20-27].

19. As per claims 37 Miloslavsky-Cave disclose the step of routing the Internet call to an agent when the queued Internet call reaches a front of the queue further comprises sending an Internet address of the Internet caller to the assigned agent [Miloslavsky col 15 lines 20-26].

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Thong Vu, whose telephone number is (703)-305-4643.

The examiner can normally be reached on Monday-Thursday from 8:00AM- 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Powell, can be reached at (703) 305-9703.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9700.

Any response to this action should be mailed to: Commissioner of Patent and Trademarks, Washington, D.C. 20231 or faxed to :

After Final (703) 746-7238

Official: (703) 746-7239

Non-Official (703) 746-7240

Hand-delivered responses should be brought to Crystal Park 11,2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

**Thong Vu**  
**Patent Examiner**  
**Art Unit 2142**



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